

FILED

11:47 am, Sep 25, 2023

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk**

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

Carmen Green

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Van Ausdall and Farrar, Malia Dutywood, Cheryl Cabrera, Lisa Clark, Leslie Stevens, et, al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 1:23-cv-1714-RLY-MJD

(to be filled in by the Clerk's Office)

Jury Trial: *(check one)* ☐ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include *only*: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievances, witness statements, evidence, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

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Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

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Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

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Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

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Other federal law *(specify the federal law)*:

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Relevant state law *(specify, if known)*:

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Relevant city or county law *(specify, if known)*:

II. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Carmen Green

Street Address

10254 Toll House Way

City and County

Fishers, Hamilton

State and Zip Code

Indiana, 46037

Telephone Number

317-512399

E-mail Address

zamariascastle@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, a corporation, or another entity. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Van Asdull and Farrar
Job or Title (<i>if known</i>)	CEO-COO- CFO
Street Address	6430 E 75th Street
City and County	Indinaapolis, Marion County
State and Zip Code	Indiana, 46050
Telephone Number	317-974-5548
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	Leslie Stevens
Job or Title (<i>if known</i>)	Head of HR
Street Address	6430 E 75th Street
City and County	Indianapolis, Marion Country
State and Zip Code	Indiana, 46050
Telephone Number	317-476-2263 / 317-974-5547
E-mail Address (<i>if known</i>)	lstevens@vanausdall.com

Defendant No. 3

Name	Lisa Clark
Job or Title (<i>if known</i>)	Director of operations
Street Address	6430 75th Street
City and County	Indianapolis, Marion Country
State and Zip Code	Indiana, 46050
Telephone Number	317-974-7308
E-mail Address (<i>if known</i>)	aclark@vanausdall.com

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Van Ausdall and Farrar
Street Address	6430 E 75th Street
City and County	Indianapolis, Marion Country
State and Zip Code	Indiana, 46050
Telephone Number	317-974-5548

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts (*specify*): Title VII Violaiaon

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

10-27-2022 - 12-02-2023

C. I believe that defendant(s) (*check one*):

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

<input checked="" type="checkbox"/>	race	Black
<input checked="" type="checkbox"/>	color	Black
<input type="checkbox"/>	gender/sex	
<input type="checkbox"/>	religion	
<input type="checkbox"/>	national origin	
<input type="checkbox"/>	age (year of birth)	(only when asserting a claim of age discrimination.)
<input type="checkbox"/>	disability or perceived disability (specify disability)	

E. The facts of my case are as follows. Attach additional pages if needed.

Back on 9/19/2022 I start working to Van Ausdall and Farrar, on or about 10/27/2022 I began being Bullied by The Trainer Malia Dutywood,

For months Debbie and Malissa wanted me to tell because she has seen what was happen to be.

Malia was being very harassment, Yelling at me when I ask a question about the New job that I didn't know.

and was still learning. Malia would make nasty remarks about me to Malissa and Debbie.

Malia continue to speak to me in nasty tones every time I asked her about something for the Job.

When I began asking Cheryl Cabrera, Malissa and Debbie to stop the mistreatment Malia just yelled at me more.

For Weeks Malissa and Debbie try to get me to tell on Malia even stated that they would tell I told them I would be fired.

I just cried more months and became ill on my way to work vomiting daily and crying daily.

My days at that job was hell. The hostile and toxic environment. I was afraid to ask her anything.

Cheryl knew something was going on because I would be crying all the time. I was the only Black woman working with Malia

After I told because I couldn't take it anymore I would just be sick all the time and vomiting day I was feeling weak.

It was hard for me to do my job effectively, Cheryl Carera and Lisa Clark told me to suck it up or lose my job, I cried

Leslie Stevens made it worse when she lied to make it seem like I did something to Malia to make her be aggressive, racism and discrimination towards

me. All the defendants became aggressive and hostile toward me. Making my work environment toxic and unsafe.

I told them how Malia followed me to the bathroom numerous of times. I had Debbie come with me to show her what Malia was doing.

I was told by the Defendants that "Malia is entitled to a toxic free work environment" but now me.

I was told that I was not the Only one experiencing racial discrimination that they do to. Lisa Clark and Cheryl Cabera.

Even after she told them she was causing my work environment Toxic they still sided with her as a white woman.

I had to endure Mental Distress, agonizing suffering and pain from the Defendants. I was scared because Malia stated that she has guns

Title VII Civil Rights Act of 1964 was the biggest violation siding with Malia because she was a white woman and they are friend.

I lost so much and suffered tremendously because of the Defendants. The amount of agony to very daunting.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A.** It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

12-03-2023

- B.** The Equal Employment Opportunity Commission *(check one)*:

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has not issued a Notice of Right to Sue letter.

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issued a Notice of Right to Sue letter, which I received on *(date)* 6-1-2023.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C.** Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

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60 days or more have elapsed.

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60 days or more have not elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Civil Rights Act of 1964 \$500,000

Mental, Emotonal Distress, Toxic, Hostile, Herassment, Bullying and aggressive behavior. Punitive Damages \$250,000

Compensatory \$250.000

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9-5-2023

Signature of Plaintiff

Printed Name of Plaintiff

Carmen Green

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9-5-2023

Signature of Plaintiff

Printed Name of Plaintiff

Carmen Green

Print

Save As...

Add Attachment

Reset